

DECLARATION OF BRYAN P. STEVENSON

I, Bryan P. Stevenson, declare:

1. I make this declaration on the basis of personal knowledge. If called to testify as a witness, I would and could testify competently to the matters stated herein.

2. I am an in-house attorney at Blockbuster Inc. and am primarily responsible for the Netflix v. Blockbuster patent infringement litigation pending in the United States District Court for Northern District of California.

3. On April 10, 2007, I was deposed by counsel for Netflix in Dallas as a 30(b)(6) witness on document retention issues at Blockbuster. During my deposition, Netflix's counsel asked me a series of questions relating to privileged communications I had with Blockbuster's outside counsel, including Alschuler Grossman, Blockbuster's trial counsel in this litigation. I followed my counsel's instructions and did not answer those questions because they were beyond the scope of my 30(b)(6) deposition and because they were directed at privileged attorney-client communications.

4. I understand that Netflix has served legal process on former Blockbuster in-house counsel, including Ed Stead, its former general counsel and Richard Frank, its former Vice President and Senior Corporate Counsel. In addition, Netflix has served Blockbuster with an Amended 30(b)(6) Notice of Deposition in which Netflix states it will inquire, as Netflix's counsel did during my deposition on April 10, about, "ALL COMMUNICATIONS between BLOCKBUSTER and its counsel, including but not limited to in-house counsel; Alschuler Grossman, LLP and its predecessor firms; Baker Botts, LLP; Blakely Sokoloff Taylor & Zafman, LLP; and/or Shearman & Sterling, LLP, regarding the validity or invalidity of either of the PATENTS-IN-SUIT." I also understand Netflix has served our outside independent trial counsel, Alschuler Grossman LLP